

(Foreign associate use only)  
**DECLARATION AND POWER OF ATTORNEY**

10049301.060302

Attorney's Docket No. \_\_\_\_\_

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Non-human adenoviral vector for gene transfer, its use and the production thereof**, the specification of which

☐ is attached hereto.

☒ was filed on August 04, 2000 as U.S. Application or PCT International Application No. **PCT/EP 00/07601** and was amended (if applicable) on **December 03, 2001**.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. *I understand that I have a duty of candor and good faith toward the Patent and Trademark Office*, and I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

Country	App. No.	Date of Filing	Priority Claimed Under 35 USC §119	
DE	199 38 332.4	August 06, 1999	X Yes	No
DE	100 19 006.5	April 17, 2000	X Yes	No

I hereby claim the benefit under Title 35, United States Code, § 120 of any prior United States application(s), or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each claim of the present application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Filing Date	Status: patented, pending, abandoned
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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

I hereby authorize the U.S. attorneys named herein to accept and follow instructions from Wideman + Wideman, as to any action to be taken in the Patent and Trademark Office regarding this application, without direct communication between the U.S. attorney and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney named herein will be notified by the undersigned.

**POWER OF ATTORNEY:** The following attorneys are hereby appointed to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Peter G. Pappas - 33,205; Daniel J. Warren - 34,272; William L. Warren - 36,714; Michael S. Pavento - 42,985; Lisa M. Cobern - 44,669; Robert A. Lester - 24,004; Erinn C. Kelly - 44,822; Jerry C. Liu - P47,754; Kevin W. King - 42,737. (C)

Send correspondence to: **SUTHERLAND ASBILL & BRENNAN LLP**  
999 Peachtree Street, NE  
Atlanta, GA 30309-3996

Direct telephone calls at (404) 853-8000 to \_\_\_\_\_

Full name of sole or first inventor:	<u>Löser Peter</u>
Citizenship:	<u>German</u>
Residence:	<u>Erich-Weinert-Straße 21, 10439 Berlin, Germany</u>
Post Office Address:	<u>same as above</u>
Inventor's signature	<u>X [Signature]</u> Date: <u>X 28.01.02</u>

☒ Additional inventors are being named on separately numbered sheets attached hereto.

Attorney Docket No.: \_\_\_\_\_  
Title: \_\_\_\_\_  
Page 2

Full name of second joint inventor, if any: Hofmann Christian

Citizenship: German

Residence: Scherenbergstraße 25, 10439 Berlin, Germany

Post Office Address: same as above

Inventor's signature X [Signature]

Date: X 28.1.02

Full name of third joint inventor, if any:

Citizenship:

Residence:

Post Office Address:

Inventor's signature

Date:

Full name of fourth joint inventor, if any:

Citizenship:

Residence:

Post Office Address:

Inventor's signature

Date:

Full name of fifth joint inventor, if any:

Citizenship:

Residence:

Post Office Address:

Inventor's signature

Date:

PTO/PCT Rec'd 03 JUN 2002

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Peter Löser and Christian Hofmann )  
Serial No.: 10/049,301 )  
Filed: February 6, 2002 )  
For: Non-Human Adenoviral Vector for Gene )  
Transfer, Its Use and the Production Thereof )

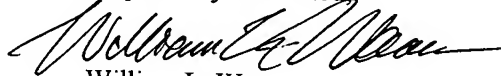
SMALL ENTITY STATEMENT AND REQUEST FOR REFUND

Commissioner for Patents  
Washington, DC 20231

Sir:

The owner of the above-mentioned patent application qualifies as a small entity, and accordingly requests a partial refund of the filing fee in the amount of \$767.00.

Respectfully submitted,



William L. Warren,  
Reg. No. 36,714

SUTHERLAND ASBILL & BRENNAN LLP  
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Our Docket: 18744-0005

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on May 22, 2002.



William L. Warren - Reg. No. 36,714